

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2005 No. 452**

**The Mental Health (Care and Treatment) (Scotland) Act  
2003 (Transitional and Savings Provisions) Order 2005**

**PART 1**

**INTRODUCTION**

**Citation and commencement**

**1.** This Order may be cited as the Mental Health (Care and Treatment) (Scotland) Act 2003 (Transitional and Savings Provisions) Order 2005 and shall come into force on 5th October 2005.

**Interpretation**

**2.—(1)** In this Order—

“the 1984 Act” means the Mental Health (Scotland) Act 1984;

“1984 Act patient” means a person liable to be detained in a hospital immediately before 5th October 2005 in pursuance of an application for admission made under Part 5 of the Mental Health (Scotland) Act 1984(1) or treated as so liable;

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995;

“1995 Act patient” means a person liable or treated as liable to be detained in a hospital immediately before 5th October 2005 under a hospital order or an order having the effect of a hospital order made under the 1995 Act;

“the 2003 Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003;

“deemed community compulsion order” means the compulsion order mentioned in article 16(1);

“deemed community compulsory treatment order” means the compulsory treatment order mentioned in article 14(1);

“deemed compulsion order” means the compulsion order mentioned in article 9(1);

“deemed compulsory treatment order” means the compulsory treatment order mentioned in article 3(1);

“existing community patient” means a patient who was subject to a community care order under the 1984 Act immediately before 5th October 2005;

“existing patient” means a patient liable to be detained in hospital immediately before 5th October 2005 under the 1984 Act or the 1995 Act;

“hospital direction patient” means a patient who immediately before 5th October 2005 was subject to a hospital direction made under section 59A of the 1995 Act;

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

“restricted patient” means a 1995 Act patient who immediately before 5th October 2005, was subject to the special restrictions set out in section 62(1) of the 1984 Act;

“transfer direction patient” means a patient who immediately before 5th October 2005 was subject to a transfer direction made under section 71 of the 1984 Act or treated as so subject.

(2) Any reference to an order or direction having been made includes a reference to its being treated as having been made.